

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

HIMANSHUKUMAR DESAI and
SUHANIBEN BHAKTA,

Plaintiffs,

v.

Civ. No. 25-388 KWR/GJF

BEN SUAREZ, CHRIS SILVA, GERARDO
GONZALEZ, and HUGO GOMEZ,

Defendants.

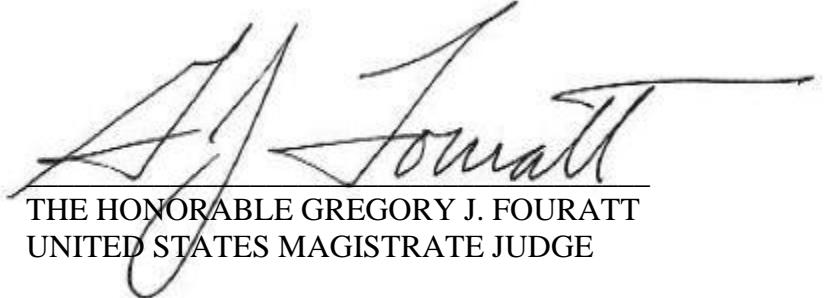
ORDER TO SHOW CAUSE

THIS MATTER comes before the Court *sua sponte*. Plaintiffs initiated this action on April 22, 2025. ECF 1. The docket reflects that the Clerk's Office issued summonses to all named defendants two days later. The docket further reflects that Defendant Gerardo Gonzalez answered Plaintiffs' Complaint [ECF 3] and that a summons was returned executed as to Defendant Hugo Gomez [ECF 4]. Plaintiffs have since requested a Clerk's Entry of Default as to Defendant Hugo Gomez [ECF 5], which the Clerk entered on May 28, 2025 [ECF 7]. There is no indication, however, that Defendants Ben Suarez or Chris Silva have been served.

Federal Rule of Civil Procedure 4(m) requires a plaintiff serve any defendants within ninety days of filing the complaint. More than ninety days have passed since Plaintiffs filed their Complaint.

IT IS THEREFORE ORDERED that **on or before August 5, 2025**, Plaintiffs must show cause in writing why this case should not be dismissed without prejudice as to Defendants Ben Suarez and Chris Silva for failure to timely serve them. Failure to respond to this Order shall constitute an independent basis for dismissal of these defendants.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE